

Notice of Allowability

Application No.

09/981,301

Examiner

Ashok B. Patel

Applicant(s)

ROACH ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/08/2006.
2. ☒ The allowed claim(s) is/are 29 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/23/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 29 and 30 are allowed. Claims 1-28 and 31-42 are cancelled.

Terminal Disclaimer

2. The terminal disclaimer filed on 08/25/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No.09/981, 666 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel H. Golub on 7/25/2006.

4. The application has been amended as follows:

- A. Pursuant to MPEP § 606.01, the title has been amended to read:

- BROADBAND NETWORK SYSTEM CONFIGURED TO TRANSPORT AUDIO
OR VIDEO AT THE TRANSPORT LAYER, AND ASSOCIATED METHOD--

- B. In the claims:

- a. Claims 1-28 and 31-42 are cancelled.

b. Claim 29. (Currently amended) In an Open System Interconnection (OSI) model having at least a transport layer represented by a user datagram protocol (UDP), a method for transferring UDP packets over a broadband network system from a broadband interface unit (BlntU) transceiver to a data distribution center, wherein the data distribution center is coupled over a network to a network access point, comprising:

supplying function calls to the BlntU transceiver from a personal computer with a computer processor, wherein the personal computer is separate from the BlntU transceiver ~~transceiver~~ transceiver, and the BlntU transceiver is positioned between the network access point and the personal computer;

generating the UDP packets in the BlntU transceiver and transmitting the UDP packets over the network solely at ~~or below~~ the transport layer, the generating and transmitting of the UDP packets including:

encoding with an encoder, audio or video information, within the BlntU transceiver at the transport layer in order to generate UDP frame information at the transport layer;

temporarily storing the UDP frame information solely at ~~or below~~ the transport layer as a UDP packet within ~~a protocol stack~~ the BlntU transceiver;

transmitting the UDP packet directly from the BlntU transceiver ~~protocol stack~~ to the network access point at, ~~or below~~, the transport layer;

transmitting the UDP packet from the network access point to the data distribution center at, ~~or below~~, the transport layer; and

wherein the UDP information output by the encoder travels from the

encoder to ~~the stack and from the stack to~~ the network access point solely at, or below, the transport layer and without being processed by the computer processor in the personal computer.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

None of the prior arts of record teach or suggest the claimed limitation for the same reasons as stated in the Notice of Allowability of the Application No. 09/981, 666. None of the prior arts of record teach or fairly suggest the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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SUPERVISOR/ PATENT EXAMINER
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